

**\*\*NOT FOR PRINTED PUBLICATION\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

AFFINITY LABS OF TEXAS, LLC,	§	
	§	
<i>Plaintiff,</i>	§	
	§	CIVIL ACTION No. 9:08CV164
v.	§	
	§	
BMW NORTH AMERICA, LLC, ET AL.,	§	JUDGE RON CLARK
	§	
<i>Defendants.</i>	§	
	§	

**ORDER AMENDING LIMITATIONS OF TRIAL TIME**

As of October 6, 2010, Defendants BMW North America, LLC and BMW Manufacturing Co. LLC have entered into a private and confidential settlement agreement with Plaintiff Affinity Labs of Texas, LLC. [See Doc. #495.] In light of this fact, the court issues the following order amending the parties' limitations of trial time set forth in the court's September 10, 2010 order. [See Doc. #438.]

Plaintiff will be allowed 19 hours, whether used in direct examination or cross-examination. Defendants will be allowed a combined total of 10 hours to present invalidity defenses. If Defendants cannot agree how to divide this time among themselves, the court will make the division. Each remaining Defendant<sup>1</sup> will have an additional 9 hours for direct examination of witnesses who are not testifying about invalidity and cross-examination of

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<sup>1</sup> In this order and future orders dealing with trial procedure, Defendants Hyundai Motor America, Inc., Hyundai Motor Manufacturing Alabama LLC, and Kia Motors America, Inc. ("Hyundai/Kia Defendants") shall be considered one "Defendant"; and Defendant Volkswagen Group of America, Inc. ("Volkswagen") shall be considered one "Defendant."

Plaintiff's witnesses. Plaintiff shall have 15 minutes, and Defendants shall each have 8 minutes, for interim statements. All other provisions of the court's September 10, 2010 order [Doc. #438] remain in effect.

So **ORDERED** and **SIGNED** this **7** day of **October, 2010**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge